

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

JERRY L. GATER
Reg. #42525-044

PLAINTIFF

v.

CASE NO. 2:20-CV-00146-BSM

Micael D. Carvajal, *et al.*

DEFENDANTS

ORDER

The proposed findings and recommendations (“RD”) from United States Magistrate Judge Joe J. Volpe [Doc. No. 14] has been received. After reviewing the record *de novo*, the RD is adopted. Jerry Gater’s retaliation and failure-to-protect claims against defendant Brister may proceed.

All other claims are dismissed without prejudice for failure to state a claim upon which relief may be granted. Defendants Carvajal, Hendrix, Hanks, Chambers, McAlliste, and Williams are dismissed without prejudice because Gater has not pled a plausible claim against them. The United States of America is dismissed with prejudice because it is not a proper party. It is certified that an *in forma pauperis* appeal from this order would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED this 22nd day of September, 2020.


UNITED STATES DISTRICT JUDGE